

REMARKS

Claims 2-13 and 15-25 are pending in the present application. Claims 5, 6, 9, 10, 14, 15, 19, 22, and 25 have been canceled solely to facilitate issuance of a patent. Claims 2-4, 11-13, 18, 21 and 23 have been amended. Claims 11-13, 17, 20, and 23 have been amended solely to correct the antecedent bases of these dependent claims.

Amendment, cancellation, or withdrawal of claims should in no way be construed as an acquiescence to any of the Examiner's rejections. The amendments to the claims are being made solely to expedite prosecution of the present application and do not, and are not intended to, narrow the claims in any way. Applicants reserve the option to further prosecute the same or similar claims in the instant application, or in a divisional or continuation patent application.

Interview

Applicants thank the Examiner for the courtesies extended during the telephonic interview, which included discussion of the 35 U.S.C. 112 paragraph two rejections. Applicants invite the Examiner to contact them if a telephonic conference can expedite prosecution.

Objections

The disclosure is objected to because of informalities. The Office Action states that "the structure of silicon modified polyolefin given in paragraph 0059 appears to require R₁ either a chemical bond or bivalent organic or inorganic moiety, " but that "the R₁ specified in paragraph 0062 includes monovalent radicals or elements such as alkyl, alkenyl, alkynyl..." Applicants note that the claims have been amended to recite, e.g. a "bivalent organic moiety" for the R₁ and R₂ moieties, as one of skill in the art would understand them to be, by, for example, examination of the claimed chemical structures. Applicants respectfully note that one of skilled in the art would recognized that the R₁ moieties recited in paragraph 0062 are bivalent, e.g. an alkyl moiety includes such moieties as -CH₂-. For example, the term "alkyl" is defined in the instant specification, at e.g. paragraph 23, as including aliphatic groups, which one of skill in the art recognizes as including bivalent

moieties. Applicants therefore believe that amendment to the specification is not necessary. For clarity, however, and to expedite the prosecution of this application, Applicants have therefore amended the claims, e.g. claim 7, to recite “aliphatic moieties” rather than “alkyl, alkenyl, and alkynyl moieties.” No new matter has been added.

The Office Action further indicates that in “paragraph 0033, the term silyl means $-\text{SiR}_3$ where R here can be H, C, O, Si, halogen or heteroatom cannot be understood since as per chemical dictionary the term “silyl” means silicilyl”. Applicants respectfully note that one of skill in the art commonly uses the term “silyl” to mean $-\text{SiR}_3$. For clarity, however, Applicants have amended the specification to remove reference to O, Si, and heteroatoms. No new matter has been added.

Applicants therefore respectfully request withdrawal of these objections.

Claim Rejections based on 35 U.S.C. § 112, second paragraph.

Claims 2-23 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Action states that the phrase “organic moiety” render claims 2 and 3 indefinite. Applicants respectfully disagree and note that it is clear from the claimed chemical structure in these claims that the moieties R_1 and R_2 are bivalent. To expedite prosecution, however, Applicants have amended claims 2-4 to recite a “bivalent organic moiety.” No new matter has been added. Further, solely to expedite prosecution, Applicants have revised claims 2-4 to clarify the moiety X_1 as “capable of bonding to said non-polyolefin by a chemical reaction.” Support for such amendment can be found throughout the specification. No new matter has been added.

The Action further indicates that “claims 7, 8, 10, 18 and 21 disclose species includes monovalent radicals such as alkyl, alkenyl, alkynyl, hydroxyl, etc.” Applicants respectfully assert that, at least in part because R_1 and R_2 are required to be a chemical bond or a bivalent organic moiety as per the structure formula of claims 2, 3 and 4, the radicals recited in claims 7, 8, 10, 18 and 21 refer to bivalent moieties, e.g. a bivalent alkyl such as –

CH₂-. As discussed above, the term “alkyl” is defined in the instant specification, at e.g. paragraph 23, as including aliphatic groups, which one of skill in the art recognizes as including bivalent moieties. For clarity, Applicants have amended claims 7, 8, 18, and 21 to recite moieties that include an “aliphatic moiety” and the moiety “-O-aliphatic-.” Support for such amendments can be found throughout the specification, including e.g. paragraphs 23 and 24.

Applicants therefore respectfully request the rejections based on 35 U.S.C. § 112 second paragraph be withdrawn.

Claim rejection based on 35 U.S.C. 102(b)

Claim 25 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ejiri et al. (U.S. Patent 5,629,062). Claim 25 has been canceled solely to expedite the issuance of a patent.

Applicants therefore respectfully request the rejections based on 35 U.S.C. § 102(b) second paragraph be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-570-1000. Should an extension of time be required, Applicant hereby petitions for same and request that the extension fee and any other fee required for timely consideration of this application be charged to Deposit Account, No. 07-1700, Reference: **FPY-089**.

Respectfully submitted,
Goodwin Procter LLP

Date: February 20, 2007
Customer No. 051414
Exchange Place
Boston, MA 02109
Tel: (617) 570-8743
Fax: (617) 523-1231

By: _____
/Theresa C. Kavanaugh/
Reg. No. 50,356